

### REMARKS

Prior to this communication, claims 1, 2, 4 – 9, 19, 21 – 24, 26 – 28 are pending in the application. In the pending Office action, the Examiner finally rejected claims 1, 2, 4 – 9, 19, 21 – 24, 26 – 28. In response, Applicants are submitting a Request for Continued Examination, amending claims 1, 2, 9, 19, and 21, and canceling claim 23; thus leaving claims 4 – 8, 22, 24, 26, 27, and 28 unchanged. Reexamination and reconsideration in view of the amendment and remarks contained herein are respectfully requested.

Claims 1, 2, 4 – 9, 19, 21 – 24, 27, and 28 stand rejected under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 4,798,082 (“Fujikawa”).

Particularly, the Examiner indicated that Fujikawa discloses a “stand-alone detachable load monitoring module and method for use with a generator (Fig. 2 and 3), wherein the generator is adapted to supply power to a load, the apparatus comprising: a sensor adapted to sense a signal supplied to the load (column 5, lines 55 – 65) and a humanly perceptible indicator (46, remount control display device) having a plug (51, 52, 53, 54 Fig. 4) adapted to be inserted into a power receptacle, and to output at least one discontinuous humanly perceptible indication of the sensed signal supplied to the load (device 46 senses and displays values of voltage, amp, frequency, oil, fuel, and overload) and a LCD (14), a frequency sensor (Fig. 4), the power receptacle is positioned at the generator (51, 54 Fig. 4).” (Pages 2 – 3, Section 2 of pending Action.)

Applicants respectfully disagree.

Currently amended Claim 1 requires a stand-alone detachable load monitoring module that includes a module housing, and a sensor in the housing that is adapted to sense a signal supplied to the load. However, Fujikawa discloses that:

[A]ll of the signals from the circuits 30c, 30e, 30f, 38b, 38d, 38e, 57 and 59 (which are located in the main body 2) are in analog form and are fed through the wires in the multicore cable 48 to the CPU 32 contained in the remote display-control device 46. The couplers or plugs 49 and 50 (or 54 and 55) of the cable are shown in FIG. 5. It will be noted that the throttle-control signal to the coil 33 and the ignition primary grounding signal to stop the engine are fed back through the cable 48 and the couplers 49 and 50 to circuits in the main body 2. The latter two signals are converted from digital to analog form in the CPU 32 before being fed back through the cable. (Column 5, lines 55-65)

Fujikawa therefore discloses that output signals that are analog in nature, are transferred from the circuits 30c, 30e, 30f, 38b, 38d, 38e, 57 and 59 at the generator 3, through the couplers 49, 54 at the generator 3, the cable 48, the couplers 50, 54 at the control-display device 46, and the computing circuits 32 at the control-display device 46. That is, circuits that sense conditions of the signals are located at the generator 3 rather than at the display device 46. In other words, the control-display device 46 does not include “a sensor in the housing, connected in circuit with the plug, and adapted to sense a signal supplied to the load,” as required in Claim 1. Rather, the control-display device 46 merely receives the output signals such as overload warning signals, AC voltage data and frequency data signals from the circuits 30c, 30e, 30f, 38b, 38d, 38e, 57 and 59 at the computing circuits 32 through the cable 48 in analog form. (Col. 3, lines 30 – 43, and col. 4, lines 15 – 17) The control-display device 46 then converts or digitizes the output signals such as overload warning signals, AC voltage data and frequency data signals in analog form in the computing circuits 32, and displays at a display window 15. (Col. 4, lines 19 – 21.) Therefore, Fujikawa does not teach or suggest a stand-alone detachable load monitoring module that includes “a module housing,” and “a sensor in the housing” that is “adapted to sense a signal supplied to the load,” as required in Claim 1.

Similarly, Fujikawa also discloses that branches 30b, 30d are connected to a “circuit 30c for developing a voltage signal which is fed to the computing circuits 32 (CPU) as an overload warning signal,” and to a “circuit 30e for developing an analog signal which is fed to the computing circuits 32 as the AC voltage data and the AC frequency data.” (Col. 3, line 68 – col. 4, line 3, and col. 4, lines 11 – 14.) The generator 3 thus sends already sensed and processed signals to the control-display device 46 via the cable 48 for digital display only. Therefore, Fujikawa does not teach or suggest a stand-alone detachable load monitoring module that includes “a module housing,” and “a sensor in the housing, and adapted to sense a signal supplied to the load” as required in Claim 1.

Further, Fujikawa discloses a portable engine-generator set 3 that has power receptacles or output sockets 9 on a control panel 6 of the portable engine-generator set 3. (Col. 2, lines 23 – 25.) The portable engine-generator set 3 further includes a terminal of the AC circuit breaker 10 that is “connected to one of the terminals of the AC power output socket 9. The other end of the output winding 30 is connected to the other output terminal of the output socket 9 via a current transformer 31.” (Col. 3, lines 55 – 63.) Furthermore, branches 30b, 30d are connected to a “circuit 30c for developing a voltage signal which is fed

to the computing circuits 32 (CPU) as an overload warning signal,” and to a “circuit 30e for developing an analog signal which is fed to the computing circuits 32 as the AC voltage data and the AC frequency data.” (Col. 3, line 68 – col. 4, line 3, and col. 4, lines 11 – 14.) That is, the control-display device 46 is not inserted into any of the output sockets 9. Rather, the control-display device 46 is merely connected to the generator through the cable 48, the circuits 30c, 30e, and the branches 30b, 30d, such that digital form of the already processed and sensed output signals are displayed. In other words, Fujikawa does not teach or suggest a stand-alone detachable load monitoring module that includes “a module housing,” “a plug extending from the housing and adapted to be inserted into a power receptacle,” and “a humanly perceptible indicator interconnected with the housing and adapted to output at least one discontinuous humanly perceptible indication of the sensed signal supplied to the load,” as required by claim 1.

Therefore, independent claim 1 is allowable. Dependent claims 2, 4 – 6, 8, 9, 28 therefore also include patentable subject matter for the reasons set forth above with respect to claim 1.

Similarly, independent claim 19 requires “a stand-alone detachable module having a housing, a sensor disposed in the housing, a plug extending from the housing, and having a humanly perceptible indicator interconnected with the housing,” among other things. Fujikawa does not teach or suggest “a stand-alone detachable module having a housing, a sensor disposed in the housing, a plug extending from the housing, and having a humanly perceptible indicator interconnected with the housing,” as required by claim 19 as explained with respect to claim 1. Therefore, independent claim 19 is also allowable. Dependent claims 21, 22, 24, and 27 also include patentable subject matter for the reasons set forth above with respect to claim 19.

The Examiner also rejected claims 7 and 26 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Fujikawa and in view of skill in the art.

To establish a *prima facie* case of obviousness, three basic criteria must be met. *M.P.E.P.* § 706.02(j), and 2143.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior

art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art, not in applicant's disclosure.

*Id.* See also *In re Rougget*, 149 F.3d 1350, 1355 (Fed. Cir. 1998) ("To reject claims in an application under section 103, the Examiner must show an un rebutted *prima facie* case of obviousness. In the absence of a proper *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent.")

Applicants contend that the Examiner has not set forth a proper *prima facie* case of obviousness in section 4 of the pending action. For example, the Examiner must show that the prior art reference (or references when combined) teaches or suggests all the claim limitations. First, amended claim 1 requires, among other things, "a module housing," "a plug extending from the housing and adapted to be inserted into a power receptacle," and "a humanly perceptible indicator interconnected with the housing and adapted to output at least one discontinuous humanly perceptible indication of the sensed signal supplied to the load." An exemplary power receptacle is defined in the specification as "a female receptacle 454 for connecting to any load." (Paragraph [0050], page 16, lines 13 – 14.) An exemplary function of a power receptacle is described in the specification when the detachable load sensor 450 is discussed. For example, the detachable load sensor 450 that includes a male plug is "to connect to the generator 100 or any circuit using power from the generator 100." (Paragraph [0050], page 16, lines 12 – 13.) Another exemplary power receptacle is described in the specification when the detachable or modular load monitoring sensors 450, 460 of FIGS. 8, 9, and 10 are described. Particularly, the detachable or modular load monitoring sensors 450, 460 includes plugs 464 that "can be plugged into the generator 100." (Paragraph [0051], page 17, lines 4 – 6.) In other words, a power receptacle can generally be considered as an power outlet that supplies electrical power from a power source such as a generator to a load having a plug that is inserted into the power receptacle to receive the electrical power from the power source. Consequently, a plug such as the plug 464 can be inserted into a power receptacle or the power outlet such as the three-prong receptacles as shown in FIG. 1 to receive electrical power from the power source.

Furthermore, *The Authoritative Dictionary of IEEE Standards Terms, 7<sup>th</sup> Edition*, page 880, defines the term "receptacle" as follows:

- A contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.
- (electric installations on shipboard) A device installed in a receptacle outlet to accommodate an attachment plug.
- An outlet that is intended to be equipped electrically and mechanically to receive the plug.

Applicants, therefore, contend that Fujikawa does not teach or suggest a stand-alone detachable load monitoring module that includes “a module housing,” “a plug extending from the housing and adapted to be inserted into a power receptacle,” and “a humanly perceptible indicator interconnected with the housing and adapted to output at least one discontinuous humanly perceptible indication of the sensed signal supplied to the load,” as required by claim 1. Rather than inserting a plug into a power receptacle, Fujikawa discloses that the control-display device 46 is merely connected to the generator at the circuits 30c, 30e, and the branches 30b, 30d, either through the cable 48 (as shown in FIG. 3 of Fujikawa), or through the couplers 51, 54, and the cable 48 (as shown in FIG. 4 of Fujikawa), as discussed earlier.

Secondly, amended claim 19 requires, among other things, “a stand-alone detachable module having a housing, a sensor disposed in the housing, a plug extending from the housing, and having a humanly perceptible indicator interconnected with the housing.” That is, both claims 1 and 19 are directed to a stand-alone detachable load monitoring module that includes a housing, and a sensor disposed in the housing. Both claims include a stand-alone detachable load monitoring module that includes a sensor in the housing and the sensor is adapted to sense a signal supplied to the load, among other things. Fujikawa does not teach or suggest a stand-alone detachable load monitoring module that includes “a sensor in the housing,” and the sensor is “adapted to sense a signal supplied to the load.” Therefore, Fujikawa does not teach or suggest all the limitations as claimed in claims 1 and 19.

Applicants also note that Fujikawa teaches away from claim 1 since “the cable section 48a is wired directly into the main body 2 and the cable section 48b is wired directly into the control device 46.” (Col. 2, line 67 – col. 3, line 1.) That is, the cable 48 that includes

sections 48a, 48b, 53, is wired directly into the generator 3 and the control-display device 46. Therefore, Fujikawa explicitly teaches away from having a stand-alone detachable module that has "a plug extending from the housing and adapted to be inserted into a power receptacle." Accordingly, independent claims 1 and 19 are allowable.

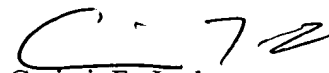
Dependent claims 7 and 26 are dependent from claims 1 and 19, respectively. Accordingly, claims 7 and 26 include patentable subject matter for the reasons set forth above with respect to claims 1 and 19.

No new matter has been added.

#### CONCLUSION

Entry of the Amendment and allowance of claims 1 – 9, 19, 21, 22, 24, and 26 – 28 are respectfully requested. The undersigned is available for telephone consultation at any time during normal business hours.

Respectfully submitted,

  
Casimir F. Laska  
Reg. No. 30,862

Docket No. 039189-9071  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108

(262) 956-6560

N:\Client\039189\9071\A1270151.3